

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE

Isabel C. Balboa, Esquire (IB 4082)

Cherry Tree Corporate Center

535 Route 38, Suite 580

Cherry Hill, NJ 08002

(856) 663-5002

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden)**

IN RE:

DANIEL TORRES

Debtor(s).

Proceedings in Chapter 13

Case No. 08-20954 (GMB)

***ISABEL C. BALBOA, CHAPTER 13
STANDING TRUSTEE'S CERTIFICATION
IN SUPPORT OF MOTION FOR AN
ORDER DISGORGING FUNDS TO DANIEL
TORRES***

Hearing Date: April 21, 2010 @ 10:00 am

ISABEL C. BALBOA, hereby certifies as follows:

1. I am the Chapter 13 Standing Trustee for Region 3 pursuant to an order entered by the Office of the United States Trustee, United States Department of Justice.
2. I am personally familiar with the matters set forth herein and I am qualified to testify about them.
3. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 105.
4. Debtor filed for his Chapter 13 Petition in Bankruptcy on April 5, 2004 under Case No. 08-20954 (GMB). Debtor's plan proposed to pay attorney fees in the amount of \$274.00, Cinnamon Cove Terrace Condo in the amount of \$4,500.00 and 0% to unsecured creditors.
5. On October 7, 2009 a confirmation hearing was held on this case. The case was dismissed and an Order of Dismissal was entered by the Court on November 9, 2009.

6. On October 28, 2009 an Order Granting Supplemental Fees was entered with the Court. The Order awarded attorney, Leonard Wizmur, Esquire, the amount of \$4,100.00 to be paid through the debtor's Chapter 13 plan.

7. On December 10, 2009 funds were disbursed to debtor, in error, in the amount of \$13,850.00. The amount of \$4,374.00 should have been disbursed to debtor's attorney.

8. By letter dated January 14, 2010 and February 10, 2010 the Trustee notified Daniel Torres of the overpayment with a request for prompt return of the funds. (Copy of letter is attached hereto as Exhibit "A").

9. As of the date of the within Motion, the Trustee has not received a refund from Daniel Torres in the amount of \$4,374.00.

Therefore, the Trustee seeks an Order from this Court Disgorging Funds paid to Daniel Torres in the amount of \$4,374.00.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: March 22, 2010

/s/ Isabel C. Balboa
Isabel C. Balboa
Chapter 13 Standing